

JURISDICTION:

SOUTH DAKOTA

General Reference:

This chapter summarizes South Dakota State statutes related to speed.
South Dakota Codified Laws

Basis for a Speed Law Violation:

Basic Speed Rule:

It is unlawful for a person to drive a motor vehicle at a speed greater than is reasonable and prudent under the conditions then existing. §32-25-3

**Statutory Speed Limit:
See Other below.**

75 MPH on interstate highways §32-25-4
65 MPH on other streets or highways §32-25-1.1
55 MPH on township roads §32-25-9.2
25 MPH on urban streets that do not have posted speed limits §32-25-12
15 MPH in a school zone¹ §32-25-14

Posted (Maximum) Speed Limit:

I. The State Transportation Commission may establish posted speed limits that are less than the maximum ones for highways under its jurisdiction. §§32-25-7 & 32-25-10
II. Local governments may (1) establish "speed zones" upon the streets or highways under their jurisdiction or (2) regulate speed on public parks . §§32-14-3, 32-14-4, 32-25-9.1 & 32-25-16 Note: The authority granted under these provisions could be used to increase as well as to decrease the speed limits on township roads which have a statutory speed limit of 55 MPH (§32-25-9.2).
III. Based upon an investigation, the State Transportation Commission may establish a safe maximum speed for any public bridge, causeway or viaduct. §§32-25-18 & 32-25-19
IV. A county road district² may establish speed limits on the roads under its jurisdiction. §§31-12A-21(6) & 32-25-9.1

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §32-25-5.1
II. It is unlawful to operate a motor vehicle at <40 MPH on an interstate highway. §32-25-5
III. A person, driving a slow-moving vehicle, shall drive as closely as possible to the right-hand edge or curb of a highway. §32-26-1

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Transportation Commission may establish a minimum speed limit on a highway. §32-25-5.2

Other:

I. The State Transportation Commission may promulgate regulations establishing the maximum speed for any motor vehicle, trailer, or

Basis for a Speed Law Violation: (continued)

¹This speed limit only applies when either the school is in recess or while children are either going to or leaving a school. §32-25-14

²Landowners, who reside outside a populated municipality, may "incorporate" a "road district" for the purposes of constructing or maintaining roads. §31-12A-1 et seq.

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Other: (continued)

wagon.³ §32-25-6

II. No person shall tow a manufactured home or mobile home with a width >102 inches >55 MPH on an interstate highway or >45 MPH on any other highway. §32-25-6.1

III. No person shall drive a vehicle that is equipped with solid rubber or cushion tires >10 MPH. §32-25-6.2

IV. When a driver's view is obstructed at either a railway crossing or intersection, the maximum lawful speed is 15 MPH. §§32-25-13 & 32-25-15

V. The State Transportation Commission may establish "limited" speed zones for portions of State highways that are undergoing maintenance. §32-25-19.1

VI. Certain overweight vehicles, which are hauling agricultural products, may be driven on the highways not >50 MPH. §32-22-42.2

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Class 2 Misdemeanors. §§32-22-42.2, 32-25-1.1 et seq. & 32-26-1

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

Not more than **30 days**⁴ §22-6-2

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than **\$200** §22-6-2

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

The fines are double for exceeding the "limited" posted speed limit in a construction zone. However, the maximum fine cannot be >\$200. §32-25-19.1

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Note: There appears to be no specific licensing action for speed law violations. §§32-12-49 & 32-12-49.1 See the Comment under Point System.

³I. Such regulations apply to the following types of vehicles: (1) Any motor vehicle, trailer, or wagon including the load weighing >10,000 lbs.; (2) any motor vehicle, trailer or wagon having a gross weight >8,000 lbs. on one axle; and, (3) any motor vehicle, trailer or wagon having a gross load >600 lbs. per inch width of tire as defined in the statute. §32-25-6

⁴If they are financially able, an offender may be required to pay for the cost of their confinement in a county jail. §24-11-45

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.):
Mandatory Minimum Term of
Withdrawal:

Miscellaneous Sanctions
Not Included Elsewhere:

For persons operating commercial motor vehicles who commit a 4th or subsequent excessive speeding offenses under §§32-25-1.1 to 32-25-17, the court may cancel the vehicles "compensation plates" for 1 year.⁵ §32-25-22

Other Criminal Actions Related to Speeding:

Racing on Highway:

Class 2 Misdemeanor §§32-25-23 & 32-25-25

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Not more than **30 days**⁴ §2-6-2

Mandatory Minimum Term:

None

Fine (\$ Range):

Not more than **\$200** §2-6-2

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension via a Point System⁶ §32-12-49 et seq.

Length of Term of

Licensing Withdrawal:

- Mandatory Action--Minimum

⁵Certain commercial motor vehicles must obtain special license plates ("compensation plates") before they can operate such vehicles on the State's streets or highways. §§32-9-6 & 32-9-7

⁶**Point System.** I. An offender's license is subject to suspension if they accumulate either 15 points within 12 months or 22 points within 24 months. §32-12-49.2 II. The following points have been assigned to speed related violations: Reckless driving-8 points; drag racing-6 points; and, other moving offenses-2 points. The law specifically states that "other moving offenses" does not include "speeding offenses." (**Comment:** Since the term "speeding offense" is not defined, it is unclear whether such term includes all offenses related to vehicle speed or whether such term only means speed in excess of the speed limit.) §32-12-49.1 III. The following licensing actions are based on a person's driving record over the last 48 months: 1st suspension-60 days; 2nd suspension-6 months; and, subsequent suspensions-1 year. §32-12-49.3 Licensing action is not mandatory. The licensing agency may issue restricted driving privileges for the purpose of allowing a person to engage in employment or to attend school. §32-12-49.4 Note: The State legislature repealed the law which established the offense of "drag racing." §32-25-24 repealed by §2 of ch. 260, Laws of 1991 However, it did not amend §32-12-49.1 to reflect this change.

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Length of License
Withdrawal:

Other:

Reckless Driving:

Class 1 Misdemeanor §32-24-1

Other Criminal Actions Related to Speeding: (continued)

Reckless Driving: (continued)

Sanction:

Criminal:

Imprisonment (Term):

Not more than **1 year**⁴ §22-6-2

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

Not more than **\$1,000** §22-6-2

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁶ §32-12-49 et seq.

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Careless Driving:

Class 2 Misdemeanor §32-24-8

Sanction:

Criminal:

Imprisonment (Term):

Not more than **30 days**⁴ §22-6-2

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

Not more than **\$200** §22-6-2

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁶ §32-12-49 set seq.

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Exhibition Driving:

Class 2 Misdemeanor §32-24-9

⁷"Careless driving" is defined as operating a vehicle "carelessly and without due caution, at a speed or in a manner so as to endanger any person or property, not amounting to reckless driving." §32-24-8

⁸"Exhibition driving" is defined as operating a vehicle "in such a manner that creates or causes unnecessary engine noise, tire squeal, skid or slide upon acceleration or stopping; that simulates a temporary race; or that the vehicle to unnecessarily turn abruptly or sway." §32-24-9

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Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 30 days ⁴ §22-6-2
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
Exhibition Driving: (continued)	
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$200 §22-6-2
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁶ §32-12-49 et seq.
Length of Term of License Withdrawal Action:	
Mandatory Term of License Withdrawal Action:	
Other:	
<u>Commercial Motor Vehicle (CMV) Operators:</u>	
<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" within a 3 year period or (2) commit 3 such violations within a 3 year period. §§32-12-107 & 32-12-108
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days §§32-12-107 & 32-12-108
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days §§32-12-107 & 32-12-108

⁹ A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §32-12-77(5)

¹⁰ A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH, reckless driving or careless driving. §32-12-77(24)

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